

from on or about November 9, 1939, to on or about January 23, 1940, by the Riverbank Canning Co. from Riverbank, Calif.; and that it was adulterated. The article was labeled in part variously: "Madonna Brand Tomato Paste Packed by Riverbank Canning Company"; "Campagnola Brand Tomato Paste * * * Packed by Harbor City Canning Company, Los Angeles, California"; "Minervini Brand Pure Tomato Paste * * * Packed for John Minervini, Hoboken, N. J."; "Fancy Del Bueno Brand Pure Tomato Paste * * * Distributors P. Astarbi and Co., Inc."; "Bafadera Brand Tomato Paste * * * Packed in California for G. Cuccia & Sons Incorporated, New York"; "Premier Tomato Paste Francis H. Leggett & Co., Distributors New York"; or "Appetit Brand Tomato Paste Distributors J. Ossola Co. New York."

Adulteration was alleged with respect to portions of the article in that it consisted in whole or in part of a decomposed substance. Adulteration was alleged with respect to the remainder in that it consisted in whole or in part of a filthy substance.

On February 2, February 20, March 9, and June 28, 1940, the Riverbank Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that any portions which were fit for human consumption be segregated from the unfit portion and that the latter be destroyed.

637. Adulteration of tomato paste. U. S. v. 299 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1678. Sample No. 72956-D.)

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On March 22, 1940, the United States attorney for the District of Massachusetts filed a libel against 299 cases, each containing 100 cans, of tomato paste at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about January 24, 1940, by the Turlock Cooperative Growers from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Firenze Product of California Tomato Paste."

On March 22, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

638. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1176. Sample No. 72930-D.)

This product was found to contain worm and insect fragments.

On December 12, 1939, the United States attorney for the District of Arizona filed a libel against 10 cases, each containing 6 cans, of tomato paste at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by the Pacific Pool Car Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Madonna Fancy Pure Tomato Paste * * * Packed by Riverbank Canning Company, Riverbank, Calif."

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

639. Adulteration and misbranding of tomato paste and adulteration of canned tomatoes with sauce. U. S. v. 697 Cases of Tomato Paste (and 2 other seizure actions against tomato products). Consent decrees of condemnation. Products released under bond for segregation and destruction of portions unfit for human consumption. (F. D. C. Nos. 1358, 1481, 1482, 1515. Sample Nos. 56456-D, 72953-D, 72955-D, 73379-D, 73380-D, 92003-D to 92007-D, incl.)

Samples taken from two of the lots of tomato paste were found to contain worm and insect fragments. Samples taken from the remaining lots of tomato paste and the lot of canned tomatoes were found to contain excessive mold, indicating the presence of decomposition. One lot of tomato paste was short weight.

On January 16, February 13, and February 23, 1940, the United States attorneys for the Eastern and the Southern Districts of New York filed libels against 1,464 cases of tomato paste at Brooklyn, N. Y.; and 496 cases of tomato paste and 48 cases of canned tomatoes at New York, N. Y. It was alleged in the libel filed in the Southern District of New York and in the libel filed on February 23, 1940, in the Eastern District of New York, that the articles covered by the said libels

had been shipped by Flotill Products, Inc., in the former instance on or about November 9, 1939, from San Francisco, Calif., and in the latter instance on or about January 22, 1940, from Stockton, Calif. The product covered by the libel filed on January 16, 1940, in the Eastern District of New York was shipped by Flotill Products, Inc., on or about November 30, 1939. Portions of the tomato paste were labeled in part: "Flotta Brand Pure Tomato Paste [or "Sublime Flotta Brand"] * * * Packed by Flotill Products, Inc., Stockton Calif." The remainder of the tomato paste was labeled in part: "Gina [or "Moosalina" or "Cobo"] Brand * * * Tomato Paste * * * Packed in California for Moosalina Product Corp. Brooklyn, N. Y." The canned tomatoes were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes with Sauce * * * Packed by Flotill Products Inc., Stockton, Calif."

Certain lots of the tomato paste and the lot of canned tomatoes were alleged to be adulterated in that they consisted wholly or in part of decomposed substances. The remaining lots of the tomato paste were alleged to be adulterated in that they consisted wholly or in part of filthy substances.

Misbranding was alleged with respect to one lot of the Flotta brand tomato paste in that the statement on the label, "Net Weight 7 Lbs.," was false and misleading, and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On February 28 and March 28, 1940, Flotill Products, Inc., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined and that all portions found to be unfit for human consumption be destroyed.

640. Adulteration of canned tomatoes and tomato paste. U. S. v. 99 Cases of Canned Tomatoes and 74 and 25 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1591, 1693, 1694. Sample Nos. 56488-D, 92356-D.)

The canned tomatoes contained excessive mold, indicating the presence of decomposition; and the tomato paste contained worm and insect fragments.

On March 8 and 23, 1940, the United States attorneys for the District of Maine and the Eastern District of Virginia filed libels against 99 cases of canned tomatoes at Portland, Maine, and 99 cases of tomato paste at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about January 20 and February 8, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated. The articles were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes * * * Packed by Flotill Products Inc. Stockton Calif."; or "Firenze * * * Tomato Paste * * * Packed by Turlock Cooperative Growers San Francisco, Calif."

The canned tomatoes were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On March 26 and April 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

641. Adulteration of tomato paste, canned tomatoes, and tomato catsup; and adulteration and misbranding of tomato sauce. U. S. v. 273 Cases of Tomato Paste, 99 Cases of Tomato Sauce, 197 Cases of Canned Tomatoes, and 148 Cases of Tomato Catsup. Decrees of condemnation. Tomato paste released under bond for segregation and destruction of unfit portion. Remaining products ordered destroyed. (F. D. C. Nos. 1162, 1262, 1690, 1767. Sample Nos. 56444-D, 56459-D, 92057-D, 12708-E.)

The tomato sauce, the added packing medium of the canned tomatoes, and a part of the tomato paste contained excessive mold, indicating the presence of decomposed material. The tomato catsup contained excessive mold, and fragments of insect larvae and other filth resulting from insect infestation. The tomato sauce was also short of the declared weight.

On December 15, 1939, and January 3, March 25, and April 5, 1940, the United States attorneys for the Northern and Southern Districts of New York, the District of Rhode Island, and the Eastern District of Pennsylvania filed libels against 273 cases of tomato paste at Albany, N. Y.; 99 cases of tomato sauce at New York, N. Y.; 197 cases of canned tomatoes at Providence, R. I.; and 148 cases of tomato catsup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce within the period from on or about November 16, 1939, to on or about March 8, 1940, by Port of Stockton from Stockton, Calif.; and charging that they were adulterated and that the tomato sauce was also misbranded. The articles were labeled in part: "Flotta